

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Douglas James Owens

Docket No. 5:09-CR-179-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Douglas James Owens, who, upon an earlier plea of guilty to Receipt of Child Pornography, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 18, 2010, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

Douglas James Owens was released from custody on September 18, 2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The circumstances surrounding the defendant's instant offense indicate the defendant received at least 20 images of child pornography in which the victims were depicted either nude, semi-nude, or engaged in various sex acts. When the defendant was sentenced, no sex offender specific conditions were ordered as a condition of supervised release. Following the defendant's release from imprisonment, the probation officer met with him and discussed the addition of several sex offender related conditions of supervision: (1) mental health/sex offender treatment, (2) sex offender registration requirements, (3) sex offender search condition, (4) prohibition of any type of materials that depict and/or describe child "child pornography" or "simulated child pornography," and (5) not associating with anyone under the age of eighteen except in the presence of the minor's parent or legal guardian, notification to the parent or guardian, and written approval from the U.S. Probation Officer. The inclusion of these conditions will allow the probation office to more adequately assess any risk the defendant might pose for recidivism and afford the defendant the opportunity to participate in a treatment program, in addition to protecting the community. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.
2. The defendant shall comply with the registration requirements of the Sex Offender Registration and Notification Act of 2006, as directed by the Bureau of Prisons and the probation officer.

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3. The defendant shall submit to a search of person, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant. The search may be conducted by any law enforcement officer or probation officer with reasonable suspicion concerning a violation of a condition of supervision or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.
4. The defendant shall not possess any materials depicting and/or describing "child pornography" and/or "simulated child pornography" as defined in 18 U.S.C. § 2256, nor shall the defendant enter any location where such materials can be accessed, obtained, or viewed.
5. The defendant shall not associate or have verbal, written, telephonic, or electronic communications with any person under the age of eighteen (18), except: (1) in the presence of the parent or legal guardian of said minor; (2) on the condition that the defendant notifies the parent or legal guardian of the defendant's conviction or prior history; and (3) with specific, written approval from the U.S. Probation Officer. This provision does not encompass persons under the age of eighteen with whom the defendant must deal in order to obtain ordinary and usual commercial services (e.g., waiters, cashiers, ticket vendors, etc.).

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: September 19, 2013

ORDER OF COURT

Considered and ordered this 20 day of September, 2013, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge